

CITY OF MILWAUKIE NATURAL RESOURCES UPDATE PROJECT SCOPE OF WORK

(Adopted August 2009 – revised March 2010)

Project Background

All jurisdictions within the Metro region are required to adopt code amendments that substantially conform to Title 13 of the Metro Urban Growth Management Functional Plan. The deadline for compliance was January 2009. The purpose of Title 13 is to protect habitat areas alongside and upland from the region's waterways and to complement Title 3 of the Metro Functional Plan (Water Quality, Flood Management, and Fish and Wildlife Conservation).

Title 13 includes provisions that encourage habitat-friendly development (e.g., pervious paving options, alternative stormwater treatment facilities, transferable development rights, etc.), and regulate development activity within designated Habitat Conservation Areas (HCAs), which are very similar to the areas currently regulated by the City's Water Quality Resource (WQR) regulations.

In 2002, the City of Milwaukie adopted its WQR regulations (Chapter 19.322) to comply with Metro's Title 3. The WQR regulations protect wetland and riparian areas, which are shown on the zoning map. The regulations require development to avoid the resource area, minimize and then mitigate adverse impacts.

The City has several provisions designed to preserve trees within its WQR overlay. These guidelines help protect existing vegetation and require mitigation efforts for cases where tree removal is permitted.

Project Objectives

- Comply with Metro Titles 3 and 13.
- Improve the effectiveness of the City's protection of Title 3 resources.
- Educate property owners about best practices for managing and developing sensitive lands.

Project Overview

1. Text Amendments

Draft text amendments to create a Natural Resources Overlay zone that would replace the City's existing Chapter 19.322 Water Quality Resource regulations, and blend those regulations with additional regulations to comply with Title 13. Doing so will require substantial changes to the text of Chapter 19.322.

Review the Zoning code and propose amendments to promote habitat-friendly development practices. The project will address additional standards that the City could adopt in other chapters of the Municipal Code to further encourage property owners to use habitat-friendly development practices.

2. Map Amendments

Create a new Natural Resources zoning overlay that incorporates both water quality and habitat conservation areas in one zone. In addition to amending Chapter 19.322, the City will amend its maps to create a Natural Resources Overlay that includes Title 3 (WQR) and Title 13 (HCA) resources. Amending the maps to take this approach would entail adding the HCA layer, but

keeping the WQR layer on top (riparian and wetland buffers only). The WQR layer could be called "Very High Value resource area," and the HCAs outside this area "High, Moderate, or Low value resource areas." Alternatively, the features could continue to be called out separately as "Water Quality Resource Areas" and Habitat Conservation Areas (High, Moderate, and Low value), but be grouped together as protected natural resources.

3. Public Involvement

This project is an opportunity for the City to do more to inform and educate property owners about their responsibility as steward of natural resources on their property. Staff believes this project will be an opportunity not only to involve affected property owners in map verification and policymaking, but also to improve the community's understanding of how to improve the quality of the natural resources that run through the community. To do this, staff is proposing a combination of targeted direct mailings, open houses, and an Advisory Group to help shape the recommendations.

SCOPE OF WORK

Milwaukie Planning staff will:

- Work directly with other staff and Consultants to ensure completion of all tasks in a timely manner.
- Prepare staff reports and presentations to brief the Planning Commission and City Council, except as specifically noted below.
- Coordinate and discuss proposed amendments with City staff including the City Attorney.
- Conduct public outreach, including posting proposed changes on City website, communicating with the neighborhood Land Use Committees, and meeting with stakeholders.
- Research past land use applications, building permits, and code amendments, as needed.
- Identify problems with existing regulations and standards.
- Identify potential solutions.
- Review draft code amendments.

Task 1: Develop Preliminary Project Schedule & Stakeholder Involvement Plan (City)

- A. Create preliminary project schedule that identifies key tasks and milestone dates and maps out how overlapping and related tasks will be effectively coordinated.
- B. Form project team and committee:
 - Staff project team: PM – Brett Kelter; Outreach – Grady Wheeler, JoAnn Herrigel, Nicole West; Mapping – Kate Rosson (support by Li Alligood); Engineering liaison – Brad Albert
 - Natural Resources Advisory Group – potential members include affected property owners, Johnson Creek Watershed Council, Clackamas County Soil and Water Conservation District, Friends of Kellogg Creek, North Clackamas Park Stewardship Committee, Planning Commission, Riverfront Board, Zach Perry (Reed College staff, Linwood neighborhood resident)

- C. Stakeholder involvement plan. Develop a plan that includes the following meetings and mailings:
1. Property Owner contact – Mailing to inform property owners and residents about the project and invite them to participate. Create mailing list. Create content of brochure.
 2. Natural Resources Advisory Group – 4-5 meetings. Agendas = tour of affected area(s) (potentially with Planning Commission), map review, policy guidance.
 3. Public Meetings
 4. Public Information/Education
 5. Planning Commission work sessions
 6. City Council work sessions
- D. Consult with the City Attorney and Metro on an as-needed basis about potential legal or regulatory hurdles to consider.

City Deliverables:

- Preliminary Project Schedule
- Stakeholder Involvement Plan

Task 2: Conduct Background Research & Develop Preliminary Problem Definition (City)

- A. Research past natural-resource-related Code and Comp. Plan amendments. Prepare a memo summarizing 19.322 code history that, at a minimum, identifies any “sacred cows” and hard-fought decisions:
- Review adopting ordinance, staff reports, and other project documents.
 - Review relevant PC/CC minutes.
 - Review the Comprehensive Plan (including ancillary documents) to identify existing policy guidance. Determine if the proposed amendments support or contradict the Comprehensive Plan and if amendments to the Plan should be considered.
- B. Create Problem ID spreadsheet, containing:
- Known problems to solve (problems with existing code – items identified as not supporting or absent in Metro’s code audit).
 - Desired improvements (aspects that are missing, such as graphics, tables, and encouragement of sustainable development practices).
 - Identify specific code sections to change. Coordinate with other code update projects.
 - Identify which potential amendments are required, which are optional. Set priorities.
- C. Review HCA maps and identify areas for refinement and possible correction. Identify WQR errors and solutions. Identify questions for others.

City Deliverables:

- Problem Identification Spreadsheet
- Planning Memo re: Code History
- Preliminary map corrections list/map

Task 3: Draft Code Amendments and Alternatives (City and Consultant)

City to provide existing code document for Consultant's use in preparing and formatting draft amendments and related commentary. (Marcia)

A. Draft code amendments.

- Draft text amendments to create a Natural Resources Overlay zone that would replace the City's existing Chapter 19.322 Water Quality Resource regulations, and blend those regulations with additional regulations to comply with Title 13. This task is intended to implement the "blended approach" outlined in Angelo Planning Group's March 3 2009 memo titled "Title 13 Compliance Options for Milwaukie." The draft code amendments should also address the issues identified above in Task 2B.
- Prepare draft of proposed code amendments. Draft must include underline/strikeout text changes, outline of proposed tables/graphics, and also a Commentary document that explains the proposed changes and identifies alternative approaches.

B. Review draft amendments.

- City staff will test proposed "Draft 1" amendments on case studies to determine the potential results of the revised code. Sites and development scenarios to be provided by City staff.
- Consultant will meet with staff to review "test drive" results and code amendments and revise amendments to reflect staff comment and discussion ("Draft 2").
- Consultant will present "Draft 2" code amendments to Advisory Group and Planning Commission.
- Based on input received on "Draft 2" the Consultant will prepare "Draft 3" of the amendments and present them to the Advisory Group and Planning Commission.

Consultant Assumptions:

- Attend two 2-hr meetings with staff.
- Attend two 2-hr meetings with Advisory Group.
- Attend ~~two~~ one 2-hr Planning Commission work session meetings.

Consultant Deliverables:

- Draft 1 – Proposed Code Amendments and Commentary. Identify alternative approaches within the draft amendments.
- Draft 2 – Draft of Proposed Code Amendments and Commentary for Advisory Group / PC review.
- Draft 3 – Draft of Proposed Code Amendments and Commentary for Advisory Group / PC review.
- Discuss PC comments on Draft 3 with staff.

City Deliverables:

- Consolidated written comments on all versions of proposed code amendments and commentary.
- Proposed Code Amendments and Commentary for code sections that will be relocated but otherwise unchanged.
- Brief "Test Drive" Memo (summarizing outcome of "test drive").

Task 4: Draft Map Amendments (City and Consultant)

City to provide existing Water Quality Resource maps for Consultant's use in preparing and formatting draft amendments and related commentary. (Marcia)

- A. Confirm HCA mapping criteria and revision process (City). City staff to coordinate with Metro staff to ensure the City's revised maps follow Metro's HCA mapping process and will result in maps that comply with Title 3 and 13 requirements. City staff to obtain or create memo that documents the criteria and decision-making process.
- B. Map refinement (Consultant). Using the preliminary map corrections identified in Task 1 and information solicited from property owners, create a preliminary Natural Resources overlay zone for staff and public review.
- C. Final mapping for local adoption (Consultant). Incorporate staff and public comment to create final overlay zone for City adoption into Zoning Map and Comprehensive Plan.

Consultant Deliverables:

- PDF maps of draft Natural Resources overlay for staff and public review (2-3 iterative versions).
- Final Draft Overlay Zone GIS data.

City Deliverables:

- Memo on Metro's mapping methodology and process for map changes.

Task 5: Stakeholder Involvement (City)

Implement the Stakeholder Involvement Plan developed in Task 1. (City)

- A. Mailing to inform property owners and residents about the project and invite them to participate.
- B. Meet with Natural Resources Advisory Group (4-5 meetings) to review draft code and map amendments, tour affected areas, and solicit policy guidance.
- C. Hold public meetings for information and education (city-wide or by specific area).
- D. Planning Commission work sessions
- E. City Council work sessions

City Deliverables:

- Property owner mailing list.
- Public information/education brochure.
- Tour(s) of affected areas with Natural Resources Advisory Group
- Public meeting(s)
- Work sessions with Planning Commission and City Council

Task 6: Adoption Process (City & Consultant)

Prepare and process land use application submittal. (City)

- A. Prepare and submit legal notices. (City)
- B. Prepare “final” draft (“Draft 4”) version of proposed amendments and commentary that has been independently reviewed for consistency, clarity, and readability. ~~(Consultant)~~ (City)
- C. Prepare staff report that addresses MMC 19.904.1 and summarizes proposed amendments. Present amendments at Planning Commission and City Council hearings. (City)
- D. Attend public hearings. (City)
- E. Revise proposed amendments as needed in response to comments. (City)
- F. Following commission approval, proofread amendments for consistency with Milwaukee Municipal Code references and standards. (Marcia)
- G. Prepare and distribute public information. (City)

City Assumptions:

- Proofread amendments.
- Coordinate public review of amendments.
- Provide adoption hearing announcements.

Consultant Deliverables:

- ~~Final draft of Proposed Code Amendments and Commentary (Draft 4)~~
- ~~Review and comment on staff report and findings.~~

City Deliverables:

- Final draft of Proposed Code Amendments and Commentary (Draft 4)
- Review and comment on staff report and findings.
- Adoption Schedule
- Land Use Applications
- Staff Report(s) & Hearing Presentation(s)
- Revised Proposed Amendments and Commentary (if necessary)
- All Legal Notices (DLCD, Metro, Public)